IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4437 OF 2004

Santosh Bajirao Deshmukh ... Applicant

versus

State of Maharashtra ... Respondent

...

Mr. Milind Deshmukh, for the Applicant.

Mr. S.R. Shinde, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

19th October 2004

P.C.:

. Heard Counsel for the parties. The principal reason for dismissing the third application for bail filed by the Applicant before the lower Court is that filing of charge sheet is not a changed circumstance. This reason cannot be sustained in the light of recent decision of our High Court (Bhosale,J.). The appropriate course, instead of going into the merits of the case, therefore, is to allow the Applicant to file a fresh application before the

Sessions Court, which will be decided on its own merits in accordance with law, as filing of charge sheet has now been held to be changed circumstance. If such application is filed, the same be decided as early as possible, preferably within two weeks from the date of obtaining circulation thereof. This application is disposed of with liberty to the Applicant as aforesaid. All questions are left open.

(A.M.KHANWILKAR,J.)